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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,380	07/05/2000	Seong-jin Moon	1293.1072D/MDS	4176

21171 7590 07/08/2002

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,380

Applicant(s)

MOON ET AL.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 and 15-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 and 15-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/337,253.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 30, 2002 have been fully considered but they are not persuasive.

In re pages 1-2, applicants state that applicants will address the provisional obviousness-type double patenting rejections once the pending rejections to the claims are resolved.

In response, since the terminal disclaimer was not received, claims 4-10 and 15-39 are again provisionally rejected under the judicially created doctrine of obviousness-type double patenting as set forth in paragraph #2 of the last Office Action.

In re pages 2-3, applicants argue that, although Ohno does appear to mention VTR manufacture number data, currently loaded tape ID number, and a serial tape number as tape map information, Ohno does not teach or suggest that the VTR manufacture number data comprises "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium" as recited in independent claim 4.

In response, the examiner respectfully disagrees. Ohno et al discloses in col. 6, lines 25-30 that "In a step S11, it is checked whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in FIG. 1. **Unless coincidence is found, this control processing is terminated by regarding the tape as loaded is not the one of concern**". From the above passage, it is clear that **only the apparatus having the**

Art Unit: 2615

same VTR manufacture number data recorded on the tape allows to perform reproduce, record, and edit the video and audio signals recorded on the tape.

Thus, the VTR manufacture number data recorded on the tape anticipates the claimed "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium" as recited in independent claim 4 because only the apparatus, which has the same VTR manufacturer number data, allows to modify the content of the recording medium.

In re page 3, applicants state that, because the claimed features of independent claim 7 are somewhat related to the features of independent claim 4 argued above, the arguments presented above supporting the patentability of independent claim 4 are incorporated herein to support the patentability of independent claim 7 and related dependent claims.

In response, as discussed above, with regard to independent claim 4, Ohno et al does disclose the claimed "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium" as required by independent claim 7.

In re pages 3-4, applicants argue, with respect to independent claim 8" that Ohno does not teach or suggest that the VTR manufacture number data comprises "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium".

In response, as discussed above, with regard to independent claim 4, Ohno et al does disclose the claimed "an identification code of a manufacturer of a recording

Art Unit: 2615

apparatus that last modified the content of the recording medium” as required by claim 8.

In re page 4, applicants argue that the controller 5 of Ohno fails to provide “a reproducing controller to reproduce the content, formatted information for the content and manufacturer information to support a manufacturer’s specific function” as recited in independent claim 8.

In response, the examiner respectfully disagrees. As discussed in claim 4 above, Ohno et al discloses in col. 6, lines 25-30 that “In a step S11, it is checked whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in FIG. 1. **Unless coincidence is found, this control processing is terminated by regarding the tape as loaded is not the one of concern**”. From the above passage, it is clear that **only the apparatus, which has the same VTR manufacture number data recorded on the tape and functions of the VTR manufacture, allows to perform reproduce, record, and edit the video and audio signals recorded on the tape**. Thus, the tape map controller 5 and system controller 9 of Ohno anticipates the claimed “a reproducing controller to reproduce the content, formatted information for the content and manufacturer information to support a manufacture’s specific function” as recited in independent claim 8 because only the apparatus, which has the same VTR manufacturer number data and functions of the VTR manufacturer, allows to modify the content of the recording medium.

In re page 4, applicants state that the arguments presented above supporting the patentability of independent claim 8 are incorporated herein to support the patentability of independent claim 10.

In response, as discussed in claim 8 above, Ohno et al does indeed disclose the claimed "a reproducing controller to reproduce the content, formatted information for the content and manufacturer information to support a manufacture's specific function".

In re pages 4-5, applicants state that, because independent claim 28 is somewhat related to independent claims 4 and 8, the arguments presented above supporting the patentability of independent claims 4 and 8 are incorporated herein to support the patentability of independent claim 28 and related dependent claims.

In response, as discussed in claims 4 and 8 above, Ohno et al does indeed discloses the claimed "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium" as recited in independent claim 4 and the claimed "a reproducing controller to reproduce the content, formatted information for the content and manufacturer information to support a manufacture's specific function" as recited in independent claim 8.

In re page 5, applicants argue that Ohno fails to teach or suggest "a reproducer to read the manufacture identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and read the content if the content is effective" as recited in independent claim 28.

In response, the examiner respectfully disagrees. Ohno et al discloses in col. 6, lines 25-30 that "In a step S11, it is checked whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in FIG. 1. **Unless coincidence is found, this control processing is terminated by regarding the tape as loaded is not the one of concern**". From the above passage, it is clear that **the reproducing apparatus of Ohno et al anticipates the claimed** "a reproducer to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and read the content if the content is effective" as recited in independent claim 28.

In re pages 5-6, applicants argue that, because claim 15 is dependent on independent claim 7, Ohno must teach or suggest the claim limitations of independent claim 7 and the limitations of dependent claim 15 to satisfy an obviousness rejection under 35 U.S.C. § 103 and, as previously discussed with respect to independent claim 7, the arguments presented above supporting the patentability of independent claim 7 and related dependent claims are incorporated herein. Furthermore, applicant respectfully requests the Examiner to support the rejection with either her affidavit or a reference, or to withdraw the rejection because on the asserting, without the benefit of a teaching or suggestion from any reference, "it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known recording the compressed A/V signal into Ohno et al's system in order to increase the

Art Unit: 2615

storage capacity of the recording medium of the Ohno et al ... because optical recorder has random access capability and there is no physical contact between the optical recording head and the optical recording medium" which contention is based solely on the personal knowledge of the Examiner.

In response, as discussed above with respect to independent claim 7, Ohno discloses all the features of the independent claim 7 and additional, Yokota (US 6,249,641 B1) cited as evidence of the well known statement discussed in paragraph #8 of the last Office Action.

In re page 6, applicants argue, with respect to independent claim 31, because independent claim 31 is somewhat related to independent claims 8, 10, and 28 are incorporated herein to support the patentability of independent claim 31 and related dependent claims.

In response, as discussed with respect to claims 8, 10, and 28 above, Ohno et al discloses all the features of claims 8, 10, and 28 above.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2615

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 4-5, 7-10, 15-23, 28 and 31-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 15-17, 20-21, 24-25 and 27 of copending Application No. 09/337,253 as set forth in paragraph #2 of the last Office Action. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 4 of this application, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus of claim 4 of this application to record the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 5 of this application, claim 2 of copending Application No. 09/337,253 recites the claimed wherein the manufacturer information further comprises an identification code of a product that last modified the content of the recording medium.

Regarding claim 7, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the

Art Unit: 2615

content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium. It is noted that claim 1 of this application is broader than claim 1 of copending Application No. 09/337,253 and therefore obviousness-type double patenting rejection is applied.

Regarding claim 8 of this application, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the reproducing apparatus of claim 8 of this application to reproduce the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 9, claim 15 of copending Application No. 09/337,253 recites the claimed wherein the manufacturer information further comprises a product identification code of a product that last modified the content of the recording medium.

Claim 10 of this application is rejected for the same reasons as discussed in claim 8 of this application above.

Regarding claim 15, claim 1 of copending Application No. 09/337,253 recites all the features of the instant claimed invention except for providing a coder to

Art Unit: 2615

compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder, the signal processor, the optical pickup, and the servo unit.

The capability of recording the compressing A/V signal by using a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder, the signal processor, the optical pickup, and the servo unit is old and well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known recording the compressed A/V signal into claim 1 of copending Application No. 09/337,253 in order to increase the storage capacity of the recording medium by compressing the A/V signal and to decrease the time in access the desired video signal recorded in the optical recording medium because

optical recorder has random access capability and there is no physical contact between the optical recording head and the optical recording medium.

Regarding claim 16 of this application, claim 15 of copending Application No. 09/337,253 recites the claimed wherein the device records a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium on the recording medium.

Regarding claim 17 of this application, claim 16 of copending Application No. 09/337,253 recites the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction on the content on the recording medium.

Regarding claim 18 of this application, claim 17 of copending Application No. 09/337,253 recites the claimed wherein the operation code information is compatible for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 20 of copending Application No. 09/337,253 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 21 of copending Application No. 09/337,253 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to

indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 24 of copending Application No. 09/337,253 recites the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 25 of copending Application No. 09/337,253 recites the claimed wherein the device records the manufacturer codes and the product codes at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 27 of copending Application No. 09/337,253 recites the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item.

Claim 28 of this application is rejected for the same reasons as discussed in claims 4 and 8 of this application above.

Claim 31 of this application is rejected for the same reasons as discussed in claims 4 and 15 of this application above.

Claim 32 of this application is rejected for the same reasons as discussed in claim 15 of this application above.

Claim 33 of this application is rejected for the same reasons as discussed in claims 15-16 of this application above.

Claim 34 of this application is rejected for the same reasons as discussed in claims 15 and 17 of this application above.

Claim 35 of this application is rejected for the same reasons as discussed in claims 16 and 20 of this application above.

Claim 36 of this application is rejected for the same reasons as discussed in claims 16 and 20 of this application above.

Claim 37 of this application is rejected for the same reasons as discussed in claims 16 and 21 of this application above.

Claim 38 of this application is rejected for the same reasons as discussed in claims 16 and 23 of this application above.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 6, 24-27, 29-30 and 39 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 15-17, 20-21, 24-25 and 27 of copending Application No. 09/337,253 in view of Buchanan ('355) as set forth in paragraph #3 of the last Office Action.

Regarding claim 6 of this application, claim 1 of copending Application No. 09/337,253 discloses all the features of the instant invention except for providing that the manufacturer information has a maximum number of manufacturer information items, and if the number of manufacturer information items exceeds the maximum number of manufacturer information items, then the recording controller deletes an oldest one of the manufacturer information items.

Buchanan teaches a synchronization of server database with client database using distribution tables having maximum number of items and if the number of items

Art Unit: 2615

exceeds the maximum number of items, then the recording controller deletes an oldest one of the items (column 11, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of adding and deleting the distribution tables as taught by Buchanan into claim 1 of copending Application No. 09/337,253 in order to facilitate the managing the information recorded in the recording medium.

Regarding claim 24 of this application, Buchanan also discloses the claimed wherein the device updates a number of total manufactures information items recorded on the recording medium (column 11, lines 50-67).

Regarding claim 25 of this application, Buchanan discloses the claimed wherein the recording apparatus determines whether the number exceeds a predetermined limit, and if so, deletes an oldest manufacturer information item stored on the recording medium (column 11, lines 50-67).

Regarding claim 26 of this application, Buchanan discloses the claimed wherein the device records a last address of manufacturer information (column 8).

Claim 27 of this application is rejected for the same reasons as discussed in claim 26 of this application.

Regarding claim 29 of this application, Buchanan also discloses the claimed wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective (column 10, lines 17-38)

Regarding claim 30 of this application, Buchanan discloses the claimed wherein the recorder updates only the manufacturer information item and does not update other manufacturer information items already recorded on the recording medium (column 11, lines 50-67).

Claim 39 of this application is rejected for the same reasons as discussed in claim 29 of this application.

This is a provisional obviousness-type double patenting rejection.

5. Claims 4-10 and 15-39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-38 of copending Application No. 09/610,696 as set forth in paragraph #4 of the last Office Action. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 4 of this application, claim 11 or claim 15 of copending Application No. 09/610,696 recites a method for recording and/or editing content, including audio, video, and/o information data, on a rewritable recording medium, comprising recording an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium by performing recording/editing on the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the recording apparatus of claim 4 of this application to record the information on the recording medium can be performed by the method of claim 11 or claim 15 of copending Application No. 09/610,696.

Regarding claim 5 of this application, claim 12 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information further comprises an identification code of a product that last modified the content of the recording medium.

Regarding claim 6 of this application, claim 25 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information has a maximum number of manufacturer information items, and if the number of manufacturer information items exceeds the maximum number of manufacturer information items, then the recording controller deletes an oldest one of the manufacturer information items.

Regarding claim 7, claim 11 or claim 15 of copending Application No. 09/610,696 recites a method for recording and/or editing content, including audio, video, and/o information data, on a rewritable recording medium, comprising recording an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium by performing recording/editing on the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the recording medium of claim 7 of this application can be created by the method of claim 11 or claim 15 of copending Application No. 09/610,696.

Regarding claim 8 of this application, claim 13 of copending Application No. 09/610,696 recites a method for recording/reproducing content, including audio, video, and/o information data, on a rewritable recording medium with a recording/reproducing apparatus using manufacturer information recorded on the recording medium,

comprising verifying a coincidence of an identification code of a manufacturer which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognized that the reproducing apparatus of claim 8 of this application to reproducing the information on the recording medium can be performed by the method of claim 13 of copending Application No. 09/610,696.

Regarding claim 9, claim 14 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information further comprises a product identification code of a product that last modified the content of the recording medium.

Claim 10 of this application is rejected for the same reasons as discussed in claim 8 of this application above.

Regarding claim 15, claim 11 or claim 15 of copending Application No. 09/610,696 recites all the features of the instant claimed invention except for providing a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder, the signal processor, the optical pickup, and the servo unit.

The capability of recording the compressing A/V signal by using a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder, the signal processor, the optical pickup, and the servo unit is old and well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known recording the compressed A/V signal into claim 11 or claim 15 of copending Application No. 09/610,696 in order to increase the storage capacity of the recording medium of claim 11 or claim 15 of copending Application No. 09/610,696 by compressing the A/V signal and to decrease the time in access the desired video signal recorded in the optical recording medium because optical recorder has random access capability and there is no physical contact between the optical recording head and the optical recording medium.

Regarding claim 16 of this application, claim 16 of copending Application No. 09/610,696 recites the claimed wherein the device records a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium on the recording medium.

Regarding claim 17 of this application, claim 17 of copending Application No. 09/610,696 recites the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction on the content on the recording medium.

Regarding claim 18 of this application, claim 18 of copending Application No. 09/610,696 recites the claimed wherein the operation code information is compatible for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 19 of copending Application No. 09/610,696 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 20 of copending Application No. 09/610,696 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 21 of copending Application No. 09/610,696 recites the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 22 of copending Application No. 09/610,696 recites the claimed wherein the device records the manufacturer codes and the product codes at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 23 of copending Application No. 09/610,696 recites the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item.

Regarding claim 24 of this application, claim 24 of copending Application No. 09/610,696 recites the claimed wherein the device updates a number of total manufacturer information items recorded on the recording medium.

Regarding claim 25 of this application, claim 25 of copending Application No. 09/610,696 recites the claimed wherein the recording apparatus determines whether the number exceeds a predetermined limit, and if so, deletes an oldest manufacturer information item stored on the recording medium.

Regarding claim 26 of this application, claim 26 of copending Application No. 09/610,696 recites the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification code and the product information code.

Regarding claim 27 of this application, claim 27 of copending Application No. 09/610,696 recites the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification code, the product code, and the operation code.

Regarding claim 28 of this application, claim 28 of copending Application No. 09/610,696 recites the corresponding method and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 28 of this application can be performed by the method of claim 28 of copending Application No. 09/610,696.

Regarding claim 29 of this application, claim 29 of copending Application No. 09/610,696 recites the claimed wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective.

Regarding claim 30 of this application, claim 30 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information further comprises a manufacturer information item specific for the manufacturer of the recording apparatus, wherein the recorder updates only the manufacturer information item and does not update other manufacturer information items already recorded on the recording medium.

Regarding claim 31 of this application, claim 31 of copending Application No. 09/610,696 recites the corresponding method and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 31 of this application can be performed by the method of claim 31 of copending Application No. 09/610,696.

Claim 32 of this application is rejected for the same reasons as discussed in claim 15 of this application above.

Regarding claim 33 of this application, claim 32 of copending Application No. 09/610,696 recites the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium, reading the product mode, and the reproducer determines whether to read the content based upon the read product model.

Regarding claim 34 of this application, claim 33 of copending Application No. 09/610,696 recites wherein the recording medium has an operation code indicating information on an operation performed by the recording apparatus that last modified the content of the recording medium, reading the operation code and the reproducer determines how to modify the content based upon the read operation code.

Regarding claim 35 of this application, claim 34 of copending Application No. 09/610,696 recites wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item, reading the manufacturer code and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus.

Regarding claim 36 of this application, claim 35 of copending Application No. 09/610,696 recites wherein the recording medium has a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to

Art Unit: 2615

indicate a product model of the recording apparatus of the manufacturer information item, reading the manufacturer code and the product code, and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus.

Regarding claim 37 of this application, claim 36 of copending Application No. 09/610,696 recites the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium, reading the time information and the reproducer processes the read time information.

Regarding claim 38 of this application, claim 37 of copending Application No. 09/610,696 recites the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, reading the search pointer and then reads the manufacturer information item at the starting address thereof.

Regarding claim 39 of this application, claim 38 of copending Application No. 09/610,696 recites the claimed wherein the reproducer determines whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus, reading the content if there is a match for reproducing apparatus, reading the content if there is not match for

analyzing the content, and reproducing the content if there is the match or if the analysis indicates the content is reproducible by the current reproducing apparatus.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 4-10 and 16-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohno et al (366) as set forth in paragraph #6 of the last Office Action.

Regarding claim 4, Ohno et al discloses a magnetic recording/reproducing apparatus having a recording controller (column 3, line 56 to column 4, line 7) to produce content and formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification code of the manufacturer of a recording apparatus that last modified the content of the recording medium.

Regarding claim 5, Ohno et al discloses the claimed wherein the manufacturer information further comprises an identification code of a product that last modified the content of the recording medium (column 3, line 56 to column 4, line 7).

Regarding claim 6, Ohno et al discloses the claimed wherein the manufacturer information has a maximum number of manufacturer information items, and if the number of manufacturer information items exceeds the maximum number of manufacturer information items, then the recording controller deletes an oldest one of the manufacturer information items (column 3, line 37 to column 4, line 65).

Regarding claim 7, Ohno et al discloses a recording apparatus to record content on a recording medium (Fig. 1) comprising a device to record a manufacturer identification code of the recording apparatus on the recording medium in response to the recording apparatus modifying the content (column 3, line 56 to column 4, line 7).

Regarding claim 8, Ohno et al discloses a reproducing apparatus for reproducing content, including audio, video, and/or information data, from a rewritable recording medium (Fig. 1), comprising a reproducing controller (column 4, lines 29-65) to reproduce the content, formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification code of the manufacturer of a recording apparatus that last modified the content of the recording medium.

Regarding claim 9, Ohno et al discloses the claimed wherein the manufacturer information further comprises a product identification code of a product that last modified the content of the recording medium (column 3, line 56 to column 4, line 7).

Claim 10 is rejected for the same reasons as discussed in claim 8 above.

Regarding claim 16, Ohno et al discloses the claimed wherein the device records a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium on the recording medium (column 3, line 56 to column 4, line 7).

Regarding claim 17, Ohno et al discloses the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction on the content on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 18, Ohno et al discloses the claimed wherein the operation code information is compatible for a plurality of different manufacturers (column 3, line 37 to column 4, line 28).

Regarding claim 19, Ohno et al discloses the claimed wherein the device records a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28).

Regarding claim 20, Ohno et al discloses the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28).

Regarding claim 21, Ohno et al discloses the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, lines 18-25 and column 5, lines 20-31).

Regarding claim 22, Ohno et al discloses the claimed wherein the device records the manufacturer codes and the product codes at a beginning part of the manufacturer information item (column 3, line 37 to column 4, line 28).

Regarding claim 23, Ohno et al discloses the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65).

Regarding claim 24, Ohno et al discloses the claimed wherein the device updates a number of total manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 25, Ohno et al discloses the claimed wherein the recording apparatus determines whether the number exceeds a predetermined limit, and if so, deletes an oldest manufacturer information item stored on the recording medium (column 3, line 37 to column 4, line 65).

Regarding claim 26, Ohno et al discloses the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification code and the product information code (column 4, lines 42-65).

Regarding claim 27, Ohno et al discloses the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification code, the product code, and the operation code (column 4, lines 42-65).

Regarding claim 28, Ohno et al discloses a recording and reproducing apparatus (Fig. 1) to record and reproduce content on a recording medium, comprising a recorder (column 3, line 37 to column 4, line 28) to record on the recording medium a manufacturer identification code of the recording and reproducing apparatus indicating a manufacturer of the recording and reproducing apparatus as the last one to modify the content of the recording medium and a reproducer (column 6, lines 18-30) to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and read the content if the content is effective.

Regarding claim 29, Ohno et al discloses wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective (column 6, lines 18-30).

Regarding claim 30, Ohno et al discloses the claimed wherein the manufacturer information further comprises a manufacturer information item specific for the manufacturer of the recording apparatus, wherein the recorder updates only the manufacturer information item and does not update other manufacturer information items already recorded on the recording medium (column 3, line 37 to column 4, line 65).

Claim Rejections - 35 USC § 103

Art Unit: 2615

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 15 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al ('366) in view of Yokota ('641 B1).

Regarding claim 15, Ohno et al discloses all the features of the instant claimed invention except for providing a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a

Art Unit: 2615

system controller to control the coder, the signal processor, the optical pickup, and the servo unit.

Yokota teaches a recording and/or reproducing apparatus having a coder (14 and 21 of Fig. 1, col. 7, lines 3-26) to compression-code an A/V signal according to a predetermined compression scheme; a signal processor (8 of Fig. 1, col. 8, lines 1-7) to modulate the compression-coded A/V signal; a radio frequency amplifier (col. 6, lines 37-51) to convert the modulated signal into a radio frequency signal; an optical pickup (3 of Fig. 1, col. 6, lines 30-36) to record the radio frequency signal on the recording medium; servo unit (9 of Fig. 1, col. 6, lines 52-61) to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller (11 of Fig. 1) to control the coder, the signal processor, the optical pickup, and the servo unit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known recording the compressed A/V signal into Ohno et al's system in order to increase the storage capacity of the recording medium of Ohno et al by compressing the A/V signal and to decrease the time in access the desired video signal recorded in the optical recording medium because optical recorder has random access capability and there is no physical contact between the optical recording head and the optical recording medium.

Claim 31 is rejected for the same reasons as discussed in claim 15 above.

Claim 32 is rejected for the same reasons as discussed in claim 15 above.

Regarding claim 33, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium, reading the product mode, and the reproducer determines whether to read the content based upon the read product model (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 34, Ohno et al discloses wherein the recording medium has an operation code indicating information on an operation performed by the recording apparatus that last modified the content of the recording medium, reading the operation code and the reproducer determines how to modify the content based upon the read operation code (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 35, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item, reading the manufacturer code and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 36, Ohno et al discloses wherein the recording medium has a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the

Art Unit: 2615

manufacturer information item, reading the manufacturer code and the product code, and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 37, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium, reading the time information and the reproducer processes the read time information (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 38, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, reading the search pointer and then reads the manufacturer information item at the starting address thereof (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 39, Ohno et al discloses the claimed wherein the reproducer determines whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus, reading the content if there is a match for reproducing apparatus, reading the content if there is not match for analyzing the content, and reproducing the content if there is the match or if the analysis indicates the content is reproducible by the current

Art Unit: 2615

reproducing apparatus (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


THAI TRAN
PRIMARY EXAMINER